

REMARKS

In the outstanding Final Official Action, claims 9-10 and 12-16 were rejected under 35 U.S.C. §103(a) over ANDERSON (U.S. Patent No. 6,169,575) in view of SHIOJI (U.S. Patent No. 6,466,264).

Applicant traverses the rejection of claims 9-10 and 12-16 under 35 U.S.C. §103(a) over ANDERSON in view of SHIOJI. In this regard, Applicant respectfully submits that each of claims 9-10 and 12-16 recite a combination of features which are not disclosed, suggested, or rendered obvious by any combination of the teachings of ANDERSON and SHIOJI.

With respect to the rejection of claim 9, the outstanding Final Official Action acknowledges at page 3 that ANDERSON "does not disclose a determination processor that determines whether the plurality of discrete images were obtained in said continual still image photographing operation; and an image processor that continually reproduces said plurality of discrete images, as a common operation on said plurality of discrete images, at a same interval as that of said continual still image photographing operation when it is determined using said unique indicator that said plurality of discrete images were obtained in said continual still image photographing operation". However, the outstanding Final Official Action asserts at pages 3-4 that SHIOJI "discloses a recording medium comprising image signals of different frame rates, wherein a reproducer reproduces the image signals of different frame rates in compliance with the frame rate information... [and] a determination processor that

determines whether the plurality of discrete images were obtained in said continual still image photographing operation... because the CPU determines a still image reproduction mode or a motion image reproduction mode". The outstanding Final Official Action also asserts at page 4 that SHIOJI discloses "an image processor that continually reproduces said plurality of discrete images, as a common operation on said plurality of discrete images, at a same interval as that of said continual still image photographing operation when it is determined using said unique indicator that said plurality of discrete images were obtained in said continual still image photographing operation... because the frame rate information is a unique indicator for indicating that a plurality of discrete images are obtained in a continual still image photography". The Final Official Action cites col. 1, lines 1-5; col. 3, lines 28-65; and FIG. 10, S61 of SHIOJI as disclosing those features of claim 9 which the Final Official Action acknowledges are not disclosed by ANDERSON.

The above-noted assertions of the Final Official Action with respect to the teachings of SHIOJI are in error. In this regard, the features of claim 9 which the Final Official Action acknowledges are not disclosed by ANDERSON are also not disclosed or suggested by SHIOJI, such that even the combination of ANDERSON and SHIOJI would not result in the combination recited in claim 9.

Rather, differing frame rates in SHIOJI are discussed in the context of a "motion image signal" and not for "a continual still image photographing operation in which the plurality of discrete images are taken at an interval time set by an operator". Further,

SHIOJI explicitly distinguishes between still image signals and motion image signals, but does not disclose "a continual still image photographing operation in which the plurality of discrete images are taken at an interval time set by an operator" or the related features recited in the pending claims. Accordingly, the proposed combination would not result in the features recited in the pending claims. Applicant particularly notes that the Final Official Action acknowledges the above-noted distinction between "still image" signals and "motion image" signals in SHIOJI, but still misinterprets features which relate to the "motion image signals" in SHIOJI as somehow disclosing the features of the "continual still image photographing operation" recited in claim 9.

For example, SHIOJI discloses, at col. 5, lines 9-12, that for "motion-image frame rate, two modes are provided, i.e., 30 fps to form 1 second of motion image with 30 still image frames, and 15 fps to form 1 second of motion image with 15 still image frames" (emphasis added). Further, SHIOJI makes clear that the "motion image" signals are distinct from "still image" signals. For example, Fig. 5 shows a "STILL IMAGE RECORD PROCESSING" at S7 (detailed in Figs. 6-7) and a "MOTION IMAGE RECORD PROCESS" at S9 (detailed in Figs. 8-9). Further, Fig. 10 shows a "STILL IMAGE REPRODUCE PROCESSING" at S63 (detailed in Figs. 11-12) and a "MOTION IMAGE REPRODUCE PROCESSING" at S65 (detailed in Figs. 13-14). Accordingly, the first "motion image signal having the first frame rate" and the "second motion image signal having a different second frame rate from the first frame rate" as described at col. 3, lines 28-67 in SHIOJI, do not disclose and are not related to "a plurality of discrete

images sequentially obtained in a continual still image photographing operation in which the plurality of discrete images are taken at an interval time set by an operator" (emphasis added) as recited in claim 9. Further, the first "motion image signal having the first frame rate" and the "second motion image signal having a different second frame rate from the first frame rate" as described at col. 3, lines 28-67 in SHIOJI, do not disclose and are not related to "a determination processor that determines whether the plurality of discrete images were obtained in said continual still image photographing operation; and an image processor that continually reproduces said plurality of discrete images, as a common operation on said plurality of discrete images, at a same interval as that of said continual still image photographing operation, when it is determined, using said unique indicator, that said plurality of discrete images were obtained in said continual still image photographing operation" (emphasis added) as recited in claim 9.

Applicant particularly notes that there is no disclosure whatsoever in SHIOJI that an operator would select a frame rate for any operation related to obtaining still images, let alone for "a continual still image photographing operation in which the plurality of discrete images are taken at an interval time set by an operator" as recited in claim 9. Therefore, even if the Examiner's assertion that "the frame rate information is a unique indicator" is taken as true, the assertion that this information indicates "that a plurality of discrete images are obtained in a continual still image photography" (emphasis added) is demonstrably false.

Accordingly, even the combination of ANDERSON and SHIOJI would not result

in the combination of features recited in claim 9. Applicant further submits that even the combination of ANDERSON and SHIOJI would not result in the combination of features recited in claim 15, at least for reasons similar to those set forth above with respect to the combination of features recited in claim 9.

Therefore, Applicant respectfully submits that the rejection of independent claims 9 and 15 is improper. Accordingly, reconsideration and withdrawal of the rejection of claims 9 and 15 is respectfully requested, at least for each and all of the reasons set forth above.

Applicant further requests an indication of the allowability of each of claims 10, 12-14 and 16 at least for depending, directly or indirectly, from an allowable independent claim, as well as for additional reasons related to their own recitations. In this regard, Applicant particularly notes that the features of claim 13 are not disclosed or suggested in SHIOJI, contrary to the assertions in the Final Official Action. In this regard, claim 13 recites "wherein said determination processor determines whether said plurality of discrete images were obtained in said continual still image photographing operation by reading image recording information recorded for each of said plurality of discrete images". Despite the clear recitation of claim 13, the Final Official Action asserts that such features are disclosed by teachings in SHIOJI of "recording a time sequential group of JPEG images on a motion image file, wherein a header is written comprising frame rate information; and detecting the frame rate of a motion image file" (emphasis added). As is evident from a comparison of the recitations of claim 13 and

the assertions in the Final Official Action in rejecting claim 13, the Final Official Action does not reflect true and proper consideration of the features recited in claim 13.

Applicant again further submits that the outstanding Final Official Action does not cite a proper motivation to modify ANDERSON to obtain the invention recited in Applicant's claims. In this regard, the object of ANDERSON is to provide "easily identifiable image groups of related images, including user-created groups". However, none of the modifications to ANDERSON proposed by the Examiner would contribute to this objective. Accordingly, for each of the numerous modifications to ANDERSON that are acknowledged to be necessary to obtain the invention recited in Applicant's claims, Applicant respectfully requests an explanation of a proper motivation in the prior art to perform such modification to ANDERSON. In the absence of such an explanation of proper motivation to modify ANDERSON, Applicant submits that no proper motivation exists to modify ANDERSON in the manner necessary to obtain the invention recited in Applicant's claims. Rather, the only motivation to modify ANDERSON in the manner necessary to obtain Applicant's claims is the improper motivation of the Examiner to obtain Applicant's claimed invention in hindsight.

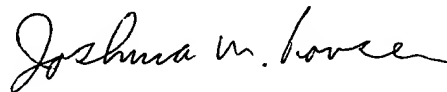
Accordingly, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejection of claims 9-10 and 12-16, as well as an indication of the allowability of each of the claims now pending, in view of the herein contained remarks.

CONCLUSION

Applicant has made a sincere effort to place the present application in condition for allowance, and believes that he has now done so. Applicant has discussed the features recited in Applicant's claims and has shown how these features are neither taught, disclosed nor rendered obvious by any proper combination of the documents cited in the Final Official Action.

Should there be any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed number.

Respectfully submitted,
Koichi SATO



Joshua M. Povsner
Reg. #42,086

Bruce H. Bernstein
Reg. No. 29,027

April 20, 2006
GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191